



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

1 आश्विन 1943 (श10)
(सं0 पटना 802) पटना, वृहस्पतिवार, 23 सितम्बर 2021

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अधिसूचना
23 सितम्बर 2021

सं० एल०जी०-01-024/2006-5340/लेज:—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 12 अगस्त 2006 को अनुमत बिहार विधान मंडल (सदस्यों के वेतन, भत्ता और पेंशन) अधिनियम, 2006 (बिहार अधिनियम 16, 2006) जिसके हिन्दी पाठ को बिहार गजट में दिनांक 18.08.2006 को गजट संख्या-670 के द्वारा प्रकाशित किया गया है, का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,
पी०सी०चौधरी,
सरकार के सचिव।

(Bihar Act 16, 2006)**Bihar Legislature (Salary, Allowances and Pension of Members) Act, 2006**

An Act to determine Salary, Allowances and Pension to Members of Bihar Legislature under the provisions conferred in Article 195 of the Constitution of India.

Be it enacted by the Legislature of the State of Bihar in the Fifty seventh year of the Republic of India as follows:-

1. Short title and commencement.—

- (1) This Act may be called the Bihar Legislature (Salary, Allowances and Pension of Members) Act, 2006.
- (2) It shall come into force from the date of publication of notification in Official Gazette.

2. Definitions- Unless anything repugnant to the subject or context, in this Act:-

- (a) **"Assembly"** means the Bihar Legislative Assembly.
- (b) **"Council"** means the Bihar Legislative council.
- (c) **"Member"** means any Member of Assembly or Council except Speaker, Deputy Speaker, Chairman, Deputy Chairman, Minister, Parliamentary Secretary, Leader of Opposition, Chief Whip (Ruling Party), Deputy Chief Whip, Whip, Chief Whip (Main Opposition Party) and Leader and Deputy Leader of the House (Bihar Legislative Council).
- (d) **"Speaker"** means the Speaker of Bihar Legislative Assembly elected as per Article 178 of the Constitution of India.
- (e) **"Deputy Speaker"** means the Deputy Speaker as per Article 178 of the Constitution of India.
- (f) **"Chairman"** means the Chairman of Bihar Legislative Council elected as per Article 182 of the Constitution of India.
- (g) **"Deputy Chairman"** means the Deputy Chairman of Bihar Legislative Council appointed as per Article 182 of the Constitution of India.
- (h) **"Minister"** means the person appointed as such by the Governor under Article 164 of the Constitution of India.
- (i) **"Parliamentary Secretary"** means any member appointed as such by the Chief Minister.
- (j) **"Leader Opposition Party"** means the person recognized as a Leader of Main Opposition Party by the Speaker or the Chairman in Bihar Legislative Assembly or Bihar Legislative Council, as the case may be.

Explanation- Where the number of members of two or more than two Opposition Parties in Assembly or Council are equal in that case the Leader of such opposition party who will be recognized as the Leader of Opposition Party by the Speaker or the Chairman in his discretion shall be acceptable to all.

- (k) **"Chief Whip", "Deputy Chief Whip" and "Whip"** means such member who is appointed as Chief Whip, Deputy Chief Whip and Whip by the ruling party forming the government and the Chief Whip of recognized main opposition party.
- (l) **"House Leader" and "Deputy Leader"** means any such member who is appointed as House Leader and Deputy Leader in Bihar Legislative Council by the ruling party forming the government.

- (m) **"Joint Committee"** means a committee appointed by the Assembly and Council in which members of both the Assembly and the Council are included.
- (n) **"Committee of Legislative Assembly and Legislative Council"** means a Committee formed by the members appointed by the Speaker or the Chairman of Legislative Assembly or Legislative Council, as the case may be.
- (o) **"Meeting of the Assembly"** means a meeting of the Assembly summoned by the Governor.
- (p) **"Meeting of the Council"** means a meeting of the Council summoned by the Governor.
- (q) **"Session"** means the period commencing with the first meeting of the Assembly or Council summoned by the Governor and ending with the day of termination of its sittings.
- (r) **"House"** means any House of the Bihar Legislature.

3. Salary, allowances and other facilities.—Every member shall be entitled for salary, allowances and other facilities as per the terms and conditions fixed under rules determined by the Government from time to time—

- (a) from the date of formal notification as elected representative by the Election Commission of India.
- (b) from the date of nomination by the Governor for that place where nomination is to be made and if the nomination is made before the post being vacant then the date on which posts get vacant.

4. Salary, allowances and other facilities of Leader Opposition Party.—The Leader Opposition Party shall be entitled for salary, allowances and other facilities as per the terms and conditions fixed under rules determined by the Government from time to time.

5. Salary, allowances and other facilities of Chief Whip, Deputy Chief Whip, Whip, Leader and Deputy Leader of Bihar Legislative Council.—The above office bearers shall be entitled for salary, allowances and other facilities as per the terms and conditions fixed under rules determined by the Government from time to time.

6. Salary, allowances and other facilities of Parliamentary Secretary.—The Parliamentary Secretary shall be entitled for salary, allowances and other facilities as per the terms and conditions fixed under rules determined by the Government from time to time.

7. Pension, allowances and other facilities to other members—

Such other person who—

- (a) as a member of Bihar Legislative Assembly, or
- (b) as a member of Bihar Legislative Council, or
- (c) partly as a member of Bihar Legislative Assembly or Bihar Legislative Council, as the case may be,

being duly elected or being in service from the date of nomination or be in service shall be entitled for salary, allowances and other facilities as per the terms and conditions fixed under rules determined by the Government from time to time.

8. Powers to make rules.—

- (1) The State Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide following all or any subject, namely.

- (a) Determination of salary, allowances and other facilities of members and process of their withdrawal.
 - (b) Salary, allowances and other facilities of Leader of opposition.
 - (c) Salary, allowances and other facilities of Chief Whip, Deputy Chief Whip etc.
 - (d) Salary, allowances and other facilities of Parliamentary Secretary.
 - (e) Pension, allowances and other facilities of former members.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of 14 days. This period may be comprised in one session or in two or more successive sessions. If before the expiry of the session or immediately following successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. *Repeal and Saving*—The Bihar Legislature (Salary, Allowances and Pension of Members) Act, 1960 and all Amendment Act therein till now and the Bihar Legislature (Salary, Allowances and Pension of Leader Opposition party) Act, 1977 shall be repealed from the date of enforcement of Rules under this Act :

Provided that with such repeal, the rules enforced prior to the said Act and the work duly done under this shall not be affected.

Provided further that unless rules are not framed for carrying out the provisions of this Act, the rules made under the previous Act shall be deemed to be effective

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